

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Jerome Brown,

Plaintiff,

V.

Warden Baca, et al.,

Defendants.

Case No. 2:23-cv-00692-CDS-EJY

ORDER

This action commenced when Plaintiff filed his 42 U.S.C. § 1983 Civil Rights Complaint on May 2, 2023. ECF No. 1-1. Plaintiff also filed an application to proceed *in forma pauperis*. ECF No. 1. The financial information provided by Plaintiff demonstrates he is unable to prepay the filing fee in this matter. On January 17, 2024, the Court imposed a stay and ordered the parties to mediate with a court-appointed mediator. ECF Nos. 7, 9. A resolution was not reached. ECF No. 10.

For the foregoing reasons, **IT IS HEREBY ORDERED** that:

14 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**.
15 Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of
16 any additional fees or costs or the giving of security therefor.

17 2. Under 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act, the Nevada
18 Department of Corrections will forward payments from the account of **Jerome Brown, #86762** to
19 the Clerk of the United States District Court, District of Nevada, at a rate of 20% of the preceding
20 month's deposits (in months that the account exceeds \$10.00) until the full \$402 filing fee has been
21 paid for this action. The Clerk of the Court will **SEND** a copy of this Order to (1) the Finance
22 Division of the Clerk's Office and (2) to the attention of the Chief of Inmate Services for the Nevada
23 Department of Corrections at **formapauperis@doc.nv.gov**.

24 3. In the event that this action is dismissed, the filing fee must still be paid pursuant to
25 28 U.S.C. § 1915(b)(2).

26 4. The Clerk of the Court will electronically **SERVE** a copy of this Order, the Screening
27 Order (ECF No. 7), and Plaintiff's Second Amended Complaint (ECF No. 3) on the Office of the

1 Attorney General of the State of Nevada by adding the Attorney General of the State of Nevada to
2 the docket sheet. This does not indicate acceptance of service.

3 5. Subject to the findings of the Screening Order (ECF No. 7), within 21 days of the
4 date of entry of this Order, the Attorney General's Office must file a notice advising the Court and
5 Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the
6 defendants for whom it does not accept service, and (c) the names of the defendants for whom it is
7 filing the last-known-address information under seal. As to any of the named defendants for whom
8 the Attorney General's Office cannot accept service, the Attorney General's Office must file, under
9 seal, but will not serve the inmate Plaintiff the last known address(es) of those defendant(s) for whom
10 it has such information. If the last known address of the defendant(s) is a post office box, the
11 Attorney General's Office must attempt to obtain and provide the last known physical address(es).

12 6. If service cannot be accepted for any of the named defendant(s), Plaintiff must file a
13 motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying a
14 full name and address for the defendant(s). For the defendant(s) the Attorney General's Office
15 cannot provide last-known-address information, Plaintiff must provide the full name and address, if
16 known, for the defendant(s).

17 7. If the Attorney General's Office accepts service of process for any named
18 defendant(s), such defendant(s) must file and serve an answer or other response to the Second
19 Amended Complaint (ECF No. 3) within 60 days from the date of this Order.

20 8. Service of the operative complaint on defendants must be accomplished within 90
21 days of the date of this Order.

22 9. Plaintiff must serve upon defendant(s) or, if an appearance has been entered by
23 counsel, upon their attorney(s), a copy of every pleading, motion or other document submitted for
24 consideration by the Court. Plaintiff must include with the original document submitted for filing a
25 certificate stating the date that a true and correct copy of the document was mailed or electronically
26 filed to the defendants or counsel for the defendants. If counsel has entered a notice of appearance,
27 Plaintiff must direct service to the individual attorney named in the notice of appearance, at the
28 physical or electronic address stated therein. The Court may disregard any document received by a

1 district judge or magistrate judge that has not been filed with the Clerk, and any document received
2 by a district judge, magistrate judge, or the Clerk that fails to include a certificate showing proper
3 service.

4 10. This case is no longer stayed.

5 DATED this 23rd of April, 2024.

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7 ELAYNA J. YOUCRAH
8 UNITED STATES MAGISTRATE JUDGE

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